

PATENT

Attorney's Docket No. 760-12

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COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

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As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one)

Original  
 Supplemental  
 Design

National Stage PCT  
 Divisional  
 Continuation  
 Continuation-in-Part (CIP)

INVENTORSHIP IDENTIFICATION

NOTE: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HELIALLY FORMED STENT/GRAFT ASSEMBLY

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the specification of which: (complete (a), (b) or (c))

(a)  is attached hereto.

(b)  was filed on \_\_\_\_\_ as  
 Serial No. \_\_\_\_\_ or  
 Express Mail No. \_\_\_\_\_, as Serial No. not yet known  
and was amended on \_\_\_\_\_. (If applicable)

(c)  was described and claimed in PCT International Application No. PCT/  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_. (If any)

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that the filing of said specification, if heretofore filed, was authorized by me.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**CLAIM OF PRIORITY OF EARLIER FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a)-(d)**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

*(List prior foreign/PCT application(s) filed within 12 months (6 months for design) prior to this U.S. application.)*

**NOTE:** Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (or PCT)	APPLICATION NO.	DATE OF FILING (Day/Month/Year)	PRIORITY CLAIMED UNDER 35 USC §119
			[ ]YES [ ]NO
			[ ]YES [ ]NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

*(List prior U.S. provisional applications.)*

PROVISIONAL APPLICATION NO.	FILING DATE (Day/Month/Year)

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

*(List prior U.S. applications or PCT international applications designating the U.S. for benefit under 35 U.S.C. §120.)*

<b>U.S. APPLICATIONS</b>		<b>STATUS (Check One)</b>		
<b>U.S. SERIAL NO.</b>	<b>U.S. FILING DATE (Day/Month/Year)</b>	<b>Patented</b>	<b>Pending</b>	<b>Abandoned</b>
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>			<b>STATUS (Check One)</b>		
<b>PCT APPLN. NO.</b>	<b>PCT FILING DATE (Day/Month/Year)</b>	<b>U.S. SERIAL NOS. ASSIGNED (If any)</b>	<b>Patented</b>	<b>Pending</b>	<b>Abandoned</b>
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

<b>PRIORITY APPLICATION NO.</b>	<b>PRIORITY COUNTRY</b>	<b>FILING DATE (Day/Month/Year)</b>	<b>ISSUE DATE (Day/Month/Year)</b>

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith:

Charles R. Hoffmann, Reg. No. 24,102; Ronald J. Baron, Reg. No. 29,281; Gerald T. Bodner, Reg. No. 30,449; Alan M. Sack, Reg. No. 31,874; A. Thomas Kammer, Reg. No. 28,226; R. Glenn Schroeder, Reg. No. 34,720; Glenn T. Henneberger, Reg. No. 36,074; Jessica H. Tran, Reg. No. 40,842; Irving N. Feit, Reg. No. 28,601; Anthony E. Bennett, Reg. No. 40,910; Gregory A. Bachmann, Reg. No. 41,593; Steven T. Zuschlag, Reg. No. 43,309; Susan A. Sipos, Reg. No. P43,128; William D. Schmidt, Reg. No. 39,492; and Kevin E. McDermott each of them of HOFFMANN & BARON, LLP, 6900 Jericho Turnpike, Syosset, New York 11791; and Daniel A. Scola, Jr., Reg. No. 29,855; Salvatore J. Abbruzzese, Reg. No. 30,152; Kirk M. Miles, Reg. No. 37,891; Robert F. Chisholm, Reg. No. 39,939; Kellyanne Merkel, Reg. No. 43,800; Nancy A. Bird, Reg. No. 28,398; John S. Sopko, Reg. No. 41,321; and Barry H. Jacobsen, Reg. No. 43,689, each of them of HOFFMANN & BARON, LLP, 1055 Parsippany Boulevard, Parsippany, New Jersey 07054; and Mark J. Casey, Reg. No. 37,796; David L. Cavanaugh, Reg. No. 36,476; Luke R. Dohmen, Reg. No. 36,783; Peter J. Gafner, Reg. No. 36,517; Patricia LaMarche-Davis, Reg. No. 37,866; and Robert M. Rauker, Reg. No. 40,782 of Boston Scientific Corporation, One Boston Scientific Place, Natick, MA 01760-1537

PLEASE SEND CORRESPONDENCE TO:

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791

PLEASE DIRECT TELEPHONE CALLS TO:

Attorney:  
Daniel A. Scola, Jr.  
(973) 331-1700

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

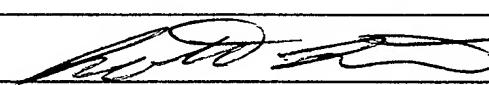
Full name of sole or first inventor: Scott Smith

Country of Citizenship: USA

Residence Address: 6950 County Road #10, Chaska, MN 55318

Post Office Address: Same as Above

Date: 1 July 1999

Inventor's signature 

Full name of second joint inventor:

Country of Citizenship:

Residence Address:

Post Office Address: Same as Above

Date: \_\_\_\_\_ Inventor's signature \_\_\_\_\_

*NOTE: All above spaces identifying inventors must be completed or deleted before any inventor executes this application)*

**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.

760-12

Inventor	Residence of Inventor
Scott Smith	6950 County Road #10, Chaska, MN 55318
Assignee	Residence or Principal Place of Business of Assignee
SCIMED Life Systems, Inc.	One SCIMED Place Maple Grover, MN 55311-1566

*Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:*

**HELICALLY FORMED STENT/GRAFT ASSEMBLY**

*(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;*

*And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;*

*Now, this indenture witnesseth, that for the sum of **ONE DOLLAR** dollars (\$ **\$1.00** ), and other good and valuable consideration, the receipt whereof is hereby acknowledged;*

*I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;*

*And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;*

*And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;*

**Assignment of Rights in Invention  
(Sole inventor; single assignee)**

Docket No.  
760-12

Inventor	Residence of Inventor
Scott Smith	6950 County Road #10, Chaska, MN 55318
Assignee	Residence or Principal Place of Business of Assignee
SCIMED Life Systems, Inc.	One SCIMED Place Maple Grove, MN 55311-1566

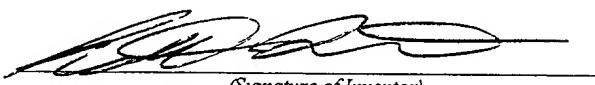
And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.

Executed this 1 day of July , in the year 1999  
at Maple Grove, MN

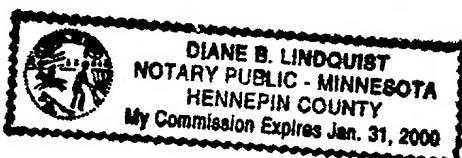
State of Minnesota

County of Hennepin

Before me personally appeared Scott Smith  
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to  
execute the same this 1st day of July , in the year 1999



(Signature of Inventor)



Diane B. Lindquist

(Notary Public)